

REMARKS

Applicants respectfully request withdrawal of the rejections, and formal notification of the allowability of all claims as now presented in view of the above amendments and the remarks that follow.

**Summary of the Amendments**

Claim 12 has been amended to remove the word “optionally.” Claims 12 and 22 have been amended to more clearly recite the attachment of the insertion tab to the perforated zone and the function of the insertion tab in relocking the box. Claim 16 has been amended to change the dependency thereof. The preamble of claim 28 has been amended to be in independent form. Claims 15, 19 and 27 have been canceled. Claims 20 and 21 are withdrawn in light of the maintenance of the Restriction Requirement. New claims 32 and 33 have been added. Claim 32 recites a punched blank and arises from the subject matter of canceled claim 19. Applicants respectfully submit that no new matter has been introduced by these amendments. The claim amendments and new claims are fully supported throughout the specification, and particularly on pages 10-13. Claims 12-18, 22-26, and 28-33 are pending in the present application.

The abstract of the disclosure stands objected to. The abstract has been amended to be in the form of a single paragraph, to remove the reference to the drawing for use in the abstract, and to correct grammatical errors. Accordingly, Applicants respectfully submit the abstract is now in proper form. No new matter has been introduced by this amendment.

The disclosure stands objected to as containing informalities. Page 6 of the specification has been amended at lines 14-16 to remove reference to the claims. Accordingly, Applicants respectfully submit the informalities have been corrected. No new matter has been introduced by this amendment.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be

deemed to attach thereto.

## **RESPONSE TO CLAIM REJECTIONS**

### **1. Response to Rejections under 35 U.S.C. § 112**

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Claims 12-19 and 22-31 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Particularly, the Office alleges the phrase “adapted for being fixedly attached” renders the claim unclear as to whether a blank, an intermediate product, or a completed box is being claimed. The Office further alleges claims 19 and 27 lack clarity as the preambles indicate a blank is being claimed without setting forth blank limitations.

In response, and as noted above, claims 12 and 22 have been amended to remove the phrase “adapted for being”, and claims 19 and 27 have been canceled, thus obviating the rejections. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejections.

### **2. Response to Rejections under 35 U.S.C. § 102**

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Claims 12-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by any one of U.S. Patent No. 4,291,807, U.S. Patent No. 3,018,941, or U.S. Patent No. 2,104,195. Applicants, respectfully traverse this rejection.

The Office broadly alleges any one of the cited documents anticipates the cited claims; however, the Office has pointed to no portions of the cited documents in support of the rejection. In response, Applicants respectfully submit none of the cited documents are anticipatory as each fails to teach, expressly or inherently, each and every aspect of the presently claimed invention.

The '807 patent discloses a box with a hanging panel section 36 directly connected to the rear wall 23, which point of connection includes the section 33 defined by the perforation line 50. The hanging panel folds over to create a double-folded hanging panel, and the box is particularly designed so that removal of the portion defined by the perforation line removes the double-folded hanging panel and a top portion of the back of the box (*see, e.g.*, column 3, lines 11-26). The '807 patent, therefore, does not teach or suggest a box comprising an insertion tab hinged to a lateral side

panel and fixedly attached to a perforated zone formed in a first or second side panel such that upon removal of the perforated zone, the insertion tab remains fixedly attached to the perforated zone and the box is relockable by insertion of the insertion tab into the box where the perforated zone was previously removed therefrom. Accordingly, Applicants respectfully submit the '807 patent fails to teach or suggest each and every aspect of claims 12-14.

The '941 patent discloses a particular closure flap construction for a carton. The '195 patent discloses a carton particularly formed for containing rolls of product while allowing dispensing therefrom. Nowhere does the '941 patent or the '195 patent specifically disclose a two-layer hanger, as presently claimed. Accordingly, Applicants respectfully submit the '941 patent and the '195 patent each fails to teach or suggest each and every aspect of claims 12-14.

In light of the above reasons, Applicants respectfully submit the three cited documents are not anticipatory of claims 12-14. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejection over each of the cited documents.

Claims 12, 13, 15-17, 19, 22, 23, 25, 27-29, and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,279,819. The Office alleges the '819 patent discloses a box and blank including the elements of the box of the present invention. In referencing Figure 6, the Office particularly alleges component 15 of the '819 patent is an insertion tab capable of attachment to either perforation zone 40 or 50. Applicants respectfully submit, however, that the Office has mischaracterized the actual teaching of the '819 patent.

The blank disclosed in Figure 6 includes a swing flap 50 that is attached to an inner rear wall 15 with a spot of adhesive (column 8, line 66 through column 9, line 13). The box is opened by tearing away the swing flap, which allows the complete inner rear wall to swing open. As such, the disclosure of the inner rear wall 15 does not teach or suggest an insertion tab, as presently claimed. In particular, the inner rear wall of the box of the '819 patent does not function such that upon removal of the perforated zone, the box is relockable by insertion of the insertion tab into the box where the perforated zone was previously removed therefrom. Rather, as the rear inner wall is significantly greater in dimensions than the swing flap, the rear inner wall of the '819 patent only swings closed against the rear side wall 12. Accordingly, Applicants respectfully submit the

'819 patent fails to teach or suggest each and every aspect of the presently claimed invention, and Applicants respectfully request reconsideration and withdrawal of the present rejection.

**3. Response to Rejections under 35 U.S.C. § 103(a)**

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Claims 18, 24, and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,279,819. Applicants respectfully traverse the rejection. Claims 18, 24, and 30 each depend upon base claims rejected above as being anticipated by the '819 patent. As previously noted, the '819 patent fails to disclose each and every aspect of the noted base claims. Therefore, based upon this failure, Applicants respectfully submit the disclosure of the '819 patent would not make obvious the subject matter of claims 18, 24, or 30. Accordingly, Applicants respectfully request reconsideration and withdrawal of the present rejection.

Claims 15-17, 19, 22, 23, 25-29, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No 2,104,195 in view of the '819 patent. Claims 15, 16, 19, 22, 25-28, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the '195 patent in view of DE 100 15 053. The Office alleges the '195 patent discloses all structures of the cited claims with the exception of a double thickness hanger, and the Office further alleges it would be obvious to incorporate the hanger of the '819 patent or DE '053 into the box of the '195 patent. Applicants respectfully traverse this rejection.

Case law clearly sets out that the mere fact that documents can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). The Office has clearly failed to provide any motivation to combine the cited documents to arrive at the presently claimed invention.

Both the '819 patent and DE '053 are clearly directed to boxes intended to contain small volumes in a hanging environment. Such is clearly seen by the flattened shape of the boxes illustrated therein. On the contrary, the '195 patent discloses a box of dimensions clearly not adapted for hanging. Rather, the '195 patent discloses a box used for dispensing rolls of products, such as gauze, while maintaining the roll within the box. Being disposed for containing rolls, the box of the '195 patent naturally takes on a shape wherein all side pieces are of substantially similar dimensions.

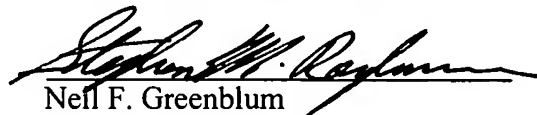
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As such, the box would not be flattened, as would be expected in a hanging type box, such as in the '819 patent and DE '053.

Moreover, the end flaps described in the '195 patent are particularly shaped for only allowing partial opening of the box (thereby maintaining the roll therein). Such specially designed ends would not be immediately recognizable as being capable of receiving hanging elements. Therefore, one of skill in the art would immediately recognize the box of the '195 patent is not adaptable for including a hanging element and would not attempt to do so. Still further, the Office has pointed to nothing in the '195 patent indicating a hanging element would be beneficial or possible. Similarly, the Office has pointed to nothing in either the '819 patent or DE '053 that would suggest using the hanger disclosed therein on a box adapted for only partial opening to allow for dispensing of a roll product, such as gauze. Therefore, as the Office has failed to provide any motivation for combining the documents, Applicants respectfully submit the cited claims would not be obvious over the cited documents. Therefore, Applicants respectfully request reconsideration and withdrawal of the present rejections.

In view of the foregoing, Applicants respectfully submit that the cited documents are distinguishable from the claimed invention and request reconsideration and withdrawal of the rejections. It is believed that all claims presented herein are in condition for immediate allowance. Therefore, it is requested that the Examiner telephone the undersigned should the Examiner have any comments or suggestions in order to expedite the examination of this application.

Respectfully submitted,  
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